IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH AT HYDERABAD

THE HONOURBALE SRI JUSTICE N.V.RAMANA

W.P. No. 23969 OF 2005

Dated : April 17, 2006

Between:

SR Krishna and others

Petitioners

AND

The A.P.S.R.T.C., Represented by its

Managing Director, Musheerabad,

Hyderabad and others

Respondents

THE HONOURBALE SRI JUSTICE N.V.RAMANA

W.P. No. 23969 OF 2005

ORAL ORDER:

Seeking a writ of mandamus declaring the action of the respondents in not granting Selection Grade Scale Stagnation increments to the petitioner on completion of twelve years of service as illegal and arbitrary, the present writ petition is filed.

It is stated that the first petitioner is working in the respondent Corporation from 1989 and has completed twelve years of service in the year 2001 and thus he is eligible for the stagnation increments, which was not sanctioned to him. It is further averred that like the first petitioner, all the petitioners have completed 12 years of service, but the stagnation increments were not sanctioned to them. The petitioners seeks to place reliance on the judgment of a Division Bench in Writ Appeal No. 1824 of 2004 dated 24.11.2004, wherein the Division Bench, while dismissing the appeal preferred by the Respondent – Corporation, has upheld the judgment of the learned Single Judge in W.P. 19236 of 2004 dated 7.10.2004, granting stagnation increments to such of those employees, who have completed 12 years of service.

When the case is called, learned counsel for the petitioners is not present. Heard the learned Standing Counsel for the respondents.

It is contended on behalf of the respondents that though the petitioners contend that they have completed twelve years of service, neither their service particulars are given nor any material paper is filed to substantiate their contention that they have completed twelve years of service.

It is not in dispute that a learned Single Judge of this court has granted the relief of stagnation increments to the petitioners in W.P. No. 18236 of 2004 and the Writ Appeal No. 1824 of 2004 preferred there against was also dismissed on 24.11.2004 affirming the order of the learned Single Judge. As contended by the learned counsel for the petitioners, the petitioners herein are similarly placed to the petitioners in W.P. No. 18236 of 2004, and, therefore, paragraph 6 of the judgment of the Writ Appeal 1824 of 2004, which reads as under, applies in all fours.

> *"…We are afraid we cannot accept the contention raised by the learned Standing Counsel. The benefit claimed by the petitioners is on the basis of the settlement entered into between the Union and the Management and the Division Bench has categorically held that the completion of 12 years is the sine qua non for releasing the stagnation increments irrespective of change of Division…"*

As contended by the learned Standing Counsel for the respondent – Corporation, it is true that nothing can be gathered from the affidavit filed in support of the writ petition and it is vague. In such circumstances, the third respondent is directed to consider the cases of the petitioners for the grant of stagnation increments, if the petitioners have completed twelve years of service and if they are otherwise entitled to, in the light of the Circulars and pass appropriate orders.

With this direction, the writ petition stands disposed of. No order as to costs.

N.V.RAMANA, J.

April 17, 2006

MAS.